

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RITA ANN GOSSELIN,

Petitioner,

v.

Case No. 13-14991
HON. TERRENCE G. BERG
HON. PAUL J. KOMIVES

MILLICENT WARREN,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 10)

Petitioner Rita Ann Gosselin, a state prisoner currently incarcerated at the Women's Huron Valley Correctional Facility in Ypsilanti, Michigan, is seeking a writ of habeas corpus. Advancing three separate grounds in support of her petition, Petitioner claims that: (1) the trial court's refusal to allow her to withdraw her guilty plea violated her Constitutional rights; (2) her plea was involuntary; and (3) she was denied the effective assistance of trial counsel. (Dkt. 1, pp. 4-7.)

On June 17, 2014, the Court referred this case to Magistrate Judge Paul J. Komives (Dkt. 8). On September 9, 2014 the Magistrate Judge issued a Report and Recommendation (Dkt. 10), recommending that the Court deny Petitioner's application for a writ of habeas corpus and her request for a certificate of appealability.

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo

determination of those portions of the report . . . to which objection is made.” *Id.*

Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Nevertheless, the Court has carefully reviewed Petitioner’s application and the government’s response and does hereby **ACCEPT** and **ADOPT** Magistrate Judge Komives’ Report and Recommendation of September 9, 2014, as this Court’s findings of fact and conclusions of law.

Therefore, Petitioner’s application for a writ of habeas corpus is **DENIED**; further, Petitioner is **DENIED** a certificate of appealability.

SO ORDERED.

Dated: October 15, 2014

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on October 15, 2014, using the CM/ECF system; a copy of this Order was also addressed to Petitioner and mailed to 797736 Huron Valley Complex – Womens, 3201 Bemis Road, Ypsilanti, Michigan 48197.

s/A. Chubb
Case Manager